

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LAMAR BRISON,

Plaintiff,

v.

THERESE SMITH, RN, and
DIANA GARCIA, NP.

Defendants.

C.A. No. 1:21-cv-12016-AK

**DEFENDANTS' MOTION FOR EXTENSION OF THE
DEADLINE FOR FILING MOTIONS FOR SUMMARY JUDGMENT**

Defendants Terry Smith, RN, and Diana Garcia, CNP (collectively, the “*Defendants*”) respectfully request that this Honorable Court extend to them a continuance up to and including April 26, 2024, to file the Defendants’ Motion for Summary Judgment. As reasons therefore, the Defendants state as follows:

1. The Defendants require additional time to prepare the motion for summary judgment and associated pleadings because counsel who is preparing said pleadings is ill and is not expected to return to the firm until (at the earliest) shortly before the deadline for filing motions for summary judgment. Currently, the deadline for filing motions for summary judgment is March 29, 2024.

2. Other attorneys in the firm are in the midst of difficult litigation schedules which also prevents them from preparing the summary judgment pleadings by March 29, 2024.

3. In addition, a continuance of the deadline would be in the interest of judicial economy, because this Honorable Court stayed this matter to provide Plaintiff with an opportunity to retain counsel [See Docket Entry_63]. At the last conference, Plaintiff indicated that he was

seeking counsel to enter an appearance on his behalf. This Honorable Court then ordered Plaintiff to file a status report on his efforts to secure counsel by April 1, 2024. Should counsel enter an appearance for the Plaintiff, then counsel for the Plaintiff may seek to perform additional discovery or to amend pleadings, which (if allowed) would likely require Defendants to amend previously filed summary judgment pleadings. This potential need for amending a motion for summary judgment filed before Plaintiff's counsel enters her/his appearance warrants postponing the deadline for filing motions for summary judgment until after Plaintiff decides if he will retain counsel.

4. Further, a continuance of the summary judgment deadline would not unfairly prejudice the parties, and this is the first request by the Defendants for a continuation of the deadline for filing motions for summary judgment. And finally, counsel for the Defendants cannot confer with the Plaintiff per Local Rule 7.1(a)(2) regarding this motion before filing it, because currently Plaintiff is a Pro Se inmate who counsel has no means of contacting except through first-class mail.

WHEREFORE, it is respectfully requested that this Honorable Court extend the deadline for the Defendants to file motions for summary judgment up to and including April 26, 2024.

Respectfully submitted,
Defendants Terry Smith, RN; and Diana
Garcia, CNP,

By their attorney,

/s/ Victor Koufman
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Dated: March 20, 2024

CERTIFICATE OF SERVICE

I, Victor Koufman, certify that on the 20th day of March 2022, a copy of the above pleading was filed with the ECF System and sent electronically to the registered participants identified on the Notice of Electronic Filing, with paper copies being sent to those indicated as non-registered participants.

/s/ Victor Koufman
Victor Koufman, Esq.

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